

Hand-Delivered

FILED
CHARLOTTE, NC

**KEITH BALDWIN Jr.,
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DEC 13 2023

US DISTRICT COURT
WESTERN DISTRICT OF NC

PLAINTIFF PRO SE

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

KEITH BALDWIN Jr.,

Docket No.: 5:23-cv-197-KDB

Plaintiff,

Civil Case

vs.

**MAIDEN POLICE DEPARTMENT,
MAIDEN NORTH CAROLINA,
JAMEY FLETCHER, IN HIS
INDIVIDUAL AND OFFICIAL
CAPACITY AS CAPTAIN MAIDEN
POLICE DEPARTMENT,**

JURY TRIAL DEMANDED

Defendants.

/

Comes now Keith Baldwin Jr., the plaintiff pro se in the above-entitled matter who hereby files instant Federal Civil Complaint principally charging a violation of his Civil Rights by defendants Pursuant to Title 42 USC Section 1983 Civil Rights Act and in support thereof states and alleges as follows.

1. That plaintiff Keith Baldwin Jr., (at all times hereafter referred to as 'plaintiff') is more than 18 years of age, citizen of the United States of America, and a resident of Maiden North Carolina.

2. That plaintiff has not filed any other litigation in any other court, jurisdiction or arbitration proceeding related to the issues as prosecuted herein.

JURISDICTION & VENUE

3. That this Honorable Court has Jurisdiction over this instant Civil Matter Pursuant to Title 28 USC Section 1331 where Civil Case presents a Federal Question, where this Civil Action arises under the Constitution and Laws of the United States as set forth more fully below.

4. That venue is within the Jurisdictional boundaries of this Honorable Court Pursuant to Title 28 U.S.C. Section 1391 where the events complained of all occurred, within the jurisdictional boundaries of this Honorable Court, and where all the parties are residents or conduct business in Maiden North Carolina.

5. That plaintiff invokes Supplemental Jurisdiction of this Honorable Court over all related State Civil issues, Pursuant to Title 28 U.S.C. Section 1391.

THE PARTIES

6. That plaintiff Keith Baldwin Jr. is an individual, Citizen of the United States, and resident of the State of North Carolina.

7. That defendant Maiden Police Department, North Carolina, is a Police Department responsible to enforce all laws of the State of North Carolina and to comply with the Constitution of the United States.

8. That defendant Jamey Fletcher is an individual and Police Officer employed in the rank of Captain Maiden Police Departments and responsible to enforce all of the laws of the State of North Carolina in compliance with the constitution of the United States.

NARRATIVE OF THE CASE

9. That coming before the Court is a Civil Federal Complaint as filed by your plaintiff Keith Balwin Jr., arising from claimed violations of his Civil Rights Pursuant to Title 42 U.S.C. Section 1983, and the Fourteenth Amendment of the United States Constitution., Due Process Clause et-seq.

10. That the plaintiff charges that all defendants are qualified 'persons' Pursuant to Title 42 U.S.C. Section 1983 Civil Rights Act and that at all material times herein defendants acted under the 'Color of Law', in depriving the plaintiff of his Federally Protected Civil Rights together with Rights and Privileges under the United States Constitution, First, Fourth, Fifth, Sixth, and Fourteenth Amendments of the United States Constitution.

INTEGRAL FACTS RELATED TO ALL COUNTS

11. That on or about July 7, 2021, defendant Captain Jamey Fletcher of Maiden Police Department, North Carolina, surreptitiously gained entry to plaintiff's property located at 3556 U.S. Highway 321, Maiden North Carolina 28650, without a warrant authorizing police entry or consent by the plaintiff.

12. That defendant Captain Jamey Fletcher once inside the premises of the plaintiff informed the plaintiff that an unidentified neighbor informed police that the plaintiff had a gun.

13. That defendant Fletcher together with other Police Officers of defendant of Maiden Police Department, immediately restricted plaintiff movement in and about plaintiffs' property and began to interrogated plaintiff without issuing plaintiff his Miranda Warning.

14. As of part of the unauthorized un-Constitutional interrogation defendant Fletcher asked plaintiff if plaintiff had a gun.

15. Importantly, plaintiffs estranged domestic partner and mother of plaintiff's child stored a licensed firearm in the residence of the plaintiff which was surrendered by the plaintiff to defendant Police Captain Fletcher.

16. That defendants un-Constitutional entry into plaintiffs property was followed by a six hour police investigation, which included un-Constitutional interrogation by police of the plaintiff, and un-Constitutional restriction of plaintiff's Right to freely move about his property, restricting plaintiffs liberty, all

constituting a violation of Title 42 U.S.C. Section 1983 Civil Rights Act and the First, Fourth, Fifth, Sixth and Fourteenth Amendments Granting Plaintiffs Federally Protected Rights and Privileges.

17. That defendant Maiden Police Departments and Defendant Police Captain Fletcher together with other uncharged members of defendant Maiden Police Departments deprived plaintiff of his Federally Protected Constitutional Rights Pursuant to the First Amendment of the United States Constitution in unlawfully entering plaintiffs property, without an indispensable warrant or plaintiff consent, while un-Constitutionally restricting plaintiffs Free Movement about plaintiff property Constituting a ‘Summary Arrest’ of the plaintiff.

18. That defendants unlawful entry into plaintiffs property without and indispensable warrant violated plaintiffs Constitutional Rights, Protections and Privileges under the First, and Fourth Amendment of the United States Constitution making a warrant for search and seizure of property indispensable and where plaintiffs property was subjected to un-Constitutional search and seizure of property without a warrant or consent of the plaintiff in violation of plaintiffs Rights and Privileges as codified under the Fourth Amendment of the United States Constitution.

19. That defendants Maiden Police Department of North Carolina together with defendant Captain Jamey Fletcher wantonly deprived the plaintiff of

plaintiffs Fifth Amendment Constitutional Right not to speak to or be interrogated by the police without and attorney present and to be made aware by the police who subjected plaintiff to unlawful Un-constitutional interrogation in violation of the Mirinda Rule as made part of the Law of the Land by our United States Supreme Court.

20. That defendants knowingly and intentionally deprived plaintiff of his Constitutional Right to Counsel under the Fifth and Sixth Amendments of the United States Constitution granting plaintiff Right to Counsel Pursuant to the Fifth and Sixth Amendments of the United States Constitution.

21. That defendant's wantonly, knowingly, and intentionally, while acting under the 'Color of Law' deprived plaintiff of his Constitutional Right and Protections' under the Fourteenth Amendment of the United States Constitution 'Due Process Clause', in failing to timely process and arrest of the plaintiff in compliance with all 'Constitutional Protections'.

22. That defendant Police Captain Jamey Fletcher gave plaintiff an inventory of all illegally seized plaintiff personal property, never formerly arresting plaintiff or giving plaintiff his Miranda Warning.

23. That at all material times in instant complaint defendants were qualified persons under Title 42 U.S.C. Section 1983 Civil Rights Act and acted

under the ‘Color of Law’, to wantonly, knowingly, and intentionally, deprive the plaintiff of plaintiff’s substantial Federally Protected Civil Rights.

24. Those defendants wantonly, knowingly, and intentionally, deprived the plaintiff of his Constitutional Rights as Codified and secured under the First, Fourth, Fifth, Sixth, and Fourteenth Amendments of the United States Constitution.

COUNT ONE

VIOLATION OF TITLE 42 U.S.C. SECTION 1983 CIVIL RIGHTS ACT

25. That here plaintiff incorporates by reference as though actually and fully set forth herein, all facts, averments, and allegations as set forth in paragraphs 1 through 24 above and;

26. Further states that defendant Maiden Police Department of North Carolina acted together with defendant employee a Police Officer and Captain of Maiden Police Department Captain Jamey Fletcher to deprive the plaintiff of his Civil Rights as Codified Under Title 42 Section 1983 Civil Rights Act.

27. That defendants deprived the plaintiff of his Constitutionally Protected Rights as codified under the First Amendment, Fourth Amendment. Fifth Amendment, Sixth Amendment, and Fourteenth Amendment of the United States Constitution all as set forth and charged more fully above.

28. That defendant Maiden Police Department is legally responsible for the wrongful acts of their employees Pursuant to the Legal Doctrine of 'Respondeat Superior'.

29. **WHEREFORE** plaintiff demands a money judgment for actual, compensatory, and statutory damages, together with punitive damages, in an amount to be determined by a jury at trial together with reasonable attorney fees, court costs, pre and post judgment interest and any other or different relief the court deems necessary and just within court jurisdiction.

COUNT TWO
VIOLATION OF FIRST, FOURTH, FIFTH, SIXTH, AND FOURTEENTH
AMENDMENTS OF UNITED STATES CONSTITUTION.

30. That here plaintiff incorporates by reference as though fully set forth herein, all facts, averments, and allegations as set forth in paragraphs 1 through 29 above and;

31. And further states that defendants acted to deprive the plaintiff of his liberty by un-Constitutionally entering plaintiffs' property on July 7, 2021, while restricting plaintiffs free movement in and about plaintiffs property and;

32. Defendant did further violate plaintiffs Constitutional Rights as Secured and Protected under the Fourth Amendment of the United States

Constitution prohibiting and preventing search and seizure of plaintiff property, without a warrant or consent of the plaintiff. and;

33. That defendants did deprive the plaintiff of his Fifth Amendment Right not to answer any questions, or be subjected to interrogation by the Police without an attorney present and consistent with 'Due Process of Law' which defendants violated in an unlawful search seizure and interrogation of plaintiff without an attorney present, and without Miranda Warnings, and;

34. That defendants violated plaintiffs Sixth Amendment Right to be represented by Counsel in all criminal investigations or matters and;

35. That defendants violated plaintiffs Rights under the Fourteenth Amendment of the United States Constitution depriving plaintiff of 'Due Process' during police investigation, interrogation, search and seizure, of plaintiffs personal property, all without Miranda Warning.

36. **WHEREFORE** plaintiff demands a money judgment for actual, compensatory, and statutory damages, together with punitive damages, in an amount to be determined by a jury at trial together with reasonable attorney fees, court costs, pre and post judgment interest and any other or different relief the court deems necessary and just within court jurisdiction.

Keith Baldwin Jr.
KEITH BALDWIN Jr.
plaintiff pro se

Dated: November 18, 2023

Due to the Maiden Police Department
and Captain Jamey Fletcher, I'm now
homeless and living at a rest stop.

My alternate mailing address is

6808 Jerimoth Drive,
Charlotte NC